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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,193	08/28/2003	Koichi Ohto	Q77191	6245

23373 7590 05/20/2005  
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EXAMINER

WILLIAMS, ALEXANDER O

ART UNIT PAPER NUMBER

2826

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/650,193	<b>Applicant(s)</b> OHTO ET AL.	
	<b>Examiner</b> Alexander O. Williams	<b>Art Unit</b> 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-214 is/are pending in the application.  
     4a) Of the above claim(s) 18-50 and 52-212 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-13,51,213 and 214 is/are rejected.
- 7) ☒ Claim(s) 8 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/281321.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/2/05</u> | 6) <input type="checkbox"/> Other: _____  |

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Serial Number: 10/650193 Attorney's Docket #: Q77191

Filing Date: 8/28/03; claimed foreign priority to 5/8/02; 10/17/03; 5/5/03

Applicant: Ohto et al.

Examiner: Alexander Williams

Applicant's Amendment filed 3/2/05 to the election of Species I, figures 5A-8C (claims 1 to 17 and 51), filed 8/11/04, has been acknowledged.

This application contains claims 18-50, 52, 53 and 54-212 drawn to an invention non-elected with traverse. A complete response to the final rejection must include cancellation of non-elected claims or other appropriate action (see 37 CFR § 1.144 & MPEP § 821.01).

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No.

10/281321, filed on 10/28/2002. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (example, "and its manufacturing method" language should be deleted).

The disclosure is objected to because of the following informalities: Applicant's CIP related application information should be updated.

Appropriate correction is required.

Claims 3 to 7, 12 and 51 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, it is unclear and confusing to what is meant and what shows "said low-k material layer comprises one of a ladder-type hydrogen siloxane layer and a porous

ladder-type hydrogen siloxane layer.” For the elected species, where is this low-k material layers discussed in the specification **as they relate to the elected species of figures 5A-8C**? It appears for the elected species that silicon dioxide is discussed.

In claims 12 and 51, it is unclear and confusing to what is meant by “wherein said first silicon-diffused metal layer includes no metal silicide.” How is there no metal silicide in a layer that comprises silicon and a metal? How does this relate to the elected species **as they relate to the elected species of figures 5A-8C**?

Any of claims 3 to 7, 12 and 51 not specifically addressed above are rejected as being dependent on one or more of the claims which have been specifically objected to above.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 9 to 13, 213 and 214, **insofar as some of them can be understood**, are rejected under 35 U.S.C. § 102(b) as being anticipated by the IDS Cited Literature 1 as rejection by Korean Office action by (Koren Unexamined Patent Application Publication # 1998-84723).

1. For example, in claim 1, Literature 1 (figures 1a to 1c) specifically figure 1c show a semiconductor device comprising: an insulating underlayer **2**; a first insulating interlayer **3** formed on said insulating underlayer, said first insulating interlayer having a groove; a first silicon-diffused metal layer **6** including no carbon therein buried in said groove; and a first metal diffusion barrier layer **4,5** formed on said first silicon-diffused metal layer and said first insulating interlayer.

Claims 1 to 13, 15 to 17, 213 and 214, **insofar as some of them can be understood**, are rejected under 35 U.S.C. § 102(b) as being anticipated by the IDS Cited Literature 2 as rejection by Korean Office action by (Koren Unexamined Patent Application Publication # 1999-5857).

1. For example, in claim 1, Literature 2 (figures 1a to 1c) specifically figure 1c show a semiconductor device comprising: an insulating underlayer **2**; a first insulating interlayer **3** formed on said insulating underlayer, said first insulating interlayer having a groove; a first silicon-diffused metal layer **6** including no carbon therein buried in said groove; and a first metal diffusion barrier layer **4,5** formed on said first silicon-diffused metal layer and said first insulating interlayer.

Claims 8 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## Response

Applicant's arguments filed 3/2/05 have been fully considered, but are moot in view of the new grounds of rejections detailed above.

The insertion of Applicant's additional claimed language, for example, "in claims 1 and new claims 213 and 214" cause for further search and consideration to make this action final.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

The listed references are cited as of interest to this application, but not applied at this time.

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Field of Search	Date
U.S. Class and subclass: 257/750,750,758,257,774,762	11/1/04 5/14/05
Other Documentation: foreign patents and literature in 257/750,750,758,257,774,762	11/1/04 5/14/05
Electronic data base(s): U.S. Patents EAST	11/1/04

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander O Williams whose telephone number is (571) 272 1924. The examiner can normally be reached on M-F 6:30-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272 1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander O Williams  
Primary Examiner  
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AOW

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